

# Applicant Initiated Interview Request Form

Application No.: 09/938,950  
Examiner: Tri V. Nguyen

First Named Applicant: Glover  
Art Unit: 1751 Status of Application: Final Rejection

Mailed 5/18/2006

### Tentative Participants:

(1) Stuart Hogue (2) John J. Timar  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: August 28, 2006

Proposed Time: 10:00 (AM)

Type of Interview Requested:

(1) [X] Telephonic (2) [X] Personal (3) [ ] Video Conference  
John Timar Stuart Hogue

Exhibit To Be Shown or Demonstrated:  YES  NO

If yes, provide brief description:

## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rejection</u>	<u>1 – 10, 14 – 16</u>	<u>U.S. 6,345,261 and 2002/0052818</u>	[ ]	[ ]	[ ]
(2) <u>Rejection</u>	<u>11 – 13, 17 - 20</u>	<u>U.S. 6,345,261 and 2002/0052818</u>	[ ]	[ ]	[ ]
(3) _____	_____	_____	[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

#### **Brief Description of Arguments to be Presented:**

(1) U.S. 2002/0052818 should be removed as a reference since material relied upon by the Examiner has an effective filing date after Applicants' priority date (see attached)

**An interview was conducted on the above-identified application on**

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

John J. Tins  
Applicant/Applicant's Representative Signature

Examiner/SPE Signature

John J. Timar

\_\_\_\_\_  
Typed/Printed Name of Applicant or Representative

32,497

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Glover, et al. ) Examiner: Tri V. Nguyen  
Serial No.: 09/938,950 ) Group Art Unit: 3622  
Filed: 08/23/2001 ) Attorney Docket No. P171 1020.1  
For: Customer Award and Incentive System )

**Applicant Initiated Interview Request**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed May 18, 2006, the Examiner rejected claims 1 – 10 and 14 – 16 under 35 USC § 103(a) as being unpatentable over *Feidelson, et al.* U.S. (6,345,261) in view of *Loveland* (U.S. 2002/0052818).

With regard to claims 1 – 10, the Examiner relied on *Loveland* for teaching of a reward system implemented over the Internet in which merchant stock associated with the sales of the merchant's products or services including fractional shares are distributed to individuals, citing page 2, para. 23 and page 9, para. 91. The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method as taught by *Sullivan* with the feature of distributing fractional shares of the merchant as taught by *Loveland*.

It was an error for the Examiner to rely on *Loveland* for the feature of distributing fractional shares of a merchant since the effective filing date of the material cited by the Examiner is June 14, 2001, the filing date of *Loveland's* patent application. Although *Loveland*

claims priority to provisional application no. 60/211,499, filed on June 14, 2000, there is no corresponding teaching in application no. 60/211,499 of distributing fractional shares of the merchant. The present application claims priority to provisional application 60/227,011 filed August 23, 2000 that describes the feature of distributing fractional shares. Therefore, *Loveland* cannot be used as a reference for the teachings relied upon by the Examiner.

More specifically, the material in the provisional application corresponding to the paragraph 91 on page 9 of U.S. 2002/0052818 can be found on page 25, lines 1 – 22 and page 26, lines 1 – 4 of provisional application no. 60/211,499. It should be noted that *Loveland* actually teaches away from distribution of fractional shares, at page 26, lines 1 – 4, which reads:

It would be rare for the rebate customers receive to be exactly divisible by the share price and brokerage fee. In this case, the excess funds will be placed in the customer's account, ready to be added to the rebate granted the next time they purchase from the given Supplier.

Since *Loveland* cannot be relied upon as a reference in rejecting claims 1 – 10, the rejection of these claims should be withdrawn.

With respect to claims 14 – 16, the Examiner stated that *Loveland* teaches that it is known to use a reward system in which users can buy and sell stocks including fractional shares via a portfolio management scheme, citing page 7, para. 72; pages 9 – 10, para. 72; pages 9 – 10, para. 91 – 92; and page 11, para. 104. The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method as taught by *Feidelson, et al.* with the feature of allowing the user to sell the investment vehicle as taught by *Loveland*. It was an error for the Examiner to rely on *Loveland* for the feature of selling stocks including fractional shares to make purchases. The material relied upon by the Examiner has an effective filing date of June 14, 2001. The material relied upon by the Examiner is not found in

the provisional application no. 60/211,499, on which a claim for priority is based. Applicants claim priority to provisional application no. 60/227,011 filed on August 23, 2000 that describes the feature of selling securities to purchase products. Therefore, *Loveland* cannot be used as a reference for the teachings relied upon by the Examiner.

More specifically, with respect to the Examiner's reliance on page 7, para. 72, of *Loveland*, there is no corresponding disclosure in provisional application 60/211,499 of providing a vehicle whereby the consumer is able to instruct a brokerage to instantly sell the securities in a company in order to finance at that time, and seamlessly, the purchase of Products. The corresponding text in provisional application 60/211,499 is found at page 20, lines 25 – 31 and page 21, lines 1 – 8, and reads as follows:

Also contained within the portfolio is a margin account that provides secured debt against a customer's collateral. A customer purchases goods and services directly from this account. This account makes it easy for a customer to purchase products, while providing low cost debt to buy retail products online. The method also provides brokerages with greater interest revenue from outstanding margin balances. Low cost transactions for Retailers are also available through the method of the present invention.

When the method of the present invention is employed as a portal, a consumer can buy products from potentially any online merchant against the portfolio-held investment collateral. Thus, the consumer is not limited to the suppliers of a specific retailer. Purchases are made directly against margin. By using a global shopping facility, consumers can visit an online portal, and purchase goods from within the portal from various merchants. A consumer can also visit the online merchant directly, without using the portal, and still be able to purchase products directly against margin.

The above teachings describe the purchase of products using the margin on a customer's investment portfolio. It is not a teaching of selling shares, including fractional shares, to purchase products. Therefore, the teachings relied upon by the Examiner for rejection of claims 14 – 16 cannot be used since the effective filing date of the material relied upon is later than the

Applicant Initiated Interview Request

Serial No. 09/938,950

Filed: 08/23/2001

filng date of Applicants' priority application, 60/211,499. The rejection of claims 14 – 16 should be withdrawn.

Claims 11 – 13 and 17 – 20 depend, either directly or indirectly, from claim 1. Since *Loveland* cannot be used as a reference against claim 1, the rejection of these dependent claims should be withdrawn as well.

Accordingly, it is respectfully requested that the Examiner grant Applicants request for a personal interview on the date and time proposed on the accompanying "Applicant Initiated Interview Request Form." Should the proposed date and time not be acceptable to the Examiner, it is requested that another date and time be selected that is mutually agreeable to both the Examiner and Applicants.

Respectfully submitted,

8/17/06

Date

Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
(404) 888-7412 (Telephone)  
(404) 870-2405 (Facsimile)

  
John J. Timar  
Registration No. 32,497  
Attorney for Applicants